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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gabriel MARTINEZ MARTIN

Serial No.: 09/886,946

Group No.: 2835

Filed: June 21, 2001

Examiner: Boris L. Chervinsky

For: ENERGY REGENERATING DEVICE

Attorney Docket No.: U 013521-1

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

PRELIMINARY AMENDMENT

Attached hereto is a declaration to establish the utility of the invention and overcome the rejection.

It is also submitted that the invention is not only fully enabled but has patentable significance for the following reasons.

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CERTIFICATE OF MAILING (37 CFR 1.10)

I hereby certify that this paper is being deposited with the United States Postal Service on this date April 12, 2004 in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" Mailing Label Number EV481667739US addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231

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NOTE: Each paper or fee referred to as enclosed herein has the number of the "EXPRESS MAIL" mailing label place thereon prior to mailing 37 CFR 1.16(b).

Response to the U.S. Examiner respecting Patent application No. 09/886946, corresponding to Spanish Utility Model No. U 200001719 (3) PYRAMIDAL CONE.

What is next alleged is a continuation of what has been stated both in the application for the Patent and in the first response to the Examiner, as well as submission of new arguments and reasoning in support of the subject application.

1) In the first place we reiterate all that has been said earlier and refer back once more to the acoustic test on the device by a panel of listeners, carried out on 3 September 2003 in Palma de Mallorca, Balearic Isles (Spain).

As was already indicated earlier, the device, for which a patent is sought, succeeds in replacing the energy which, by use, has been lost by those objects on which it is applied, even if their molecular structure does not have a microcrystalline composition (as occurred with the invention patented as No. 91304 in Czechoslovakia by Mr. Drbal in 1959) but is of a different nature, especially if such objects have undergone quite considerable use (such as compact discs, sound and picture recording/reproducing apparatus, etc., etc.).

Clearly, after multiple, extremely varied and complex experiments and many comparisons, applicant has reached the conclusion that the best, most significant and determinant results, in the specific application of the device, are obtained with the one here having the features, properties and dimensions (material, size, shape, color, arrangement, etc., etc.) of the object of this patent application, for whose description and remaining data you are referred to the background and documents accompanying the application as well as to the Specification.

2) Respecting the references to patents in the U.S.A., cited by the Examiner, we have to say that all of them refer to antennas, receptors of electromagnetic waves, therefore having nothing to do with Mr. Martínez Martín's device, no relation (at all) as far as conception and operation of the latter are concerned.

In effect: The mentioned waves, in a simplified fashion, consist of progressive perturbations of space, characterized by the existence, on the waves front, of magnetic and electric fields which act in normal perpendicular directions to one another and both in the direction of propagation.

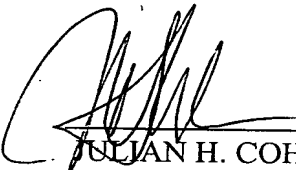
Thus, the electromagnetic radiations, amongst them, capable of being captured by the mentioned antennas, are: radio-electric waves, infrared waves, light waves, ultraviolet waves, X-rays, etc., etc.

This all means that, for the antennas to transmit and receive such waves, as is in fact explained in each and every one of the Patents to which we refer, transmission lines, electric connections, electric components and elements, such as conductors, radioactive bodies, capacitors, etc., etc., necessarily have to be incorporated into them. Definitively speaking, components of an electrical nature.

Precisely the great difference between the said antennas, for example, plus so many components of an electrical or electromagnetic nature, and the device object of the present application, lies in the class of waves with which they work: Those of the pyramidal cone are cosmic waves (also called "orgon"), so often cited in the patent application and in Mr. Martínez Martín's earlier response to the Examiner, which documents we would again reiterate. What is here the object of patent not being of an electromagnetic nature, such waves do not require electrical components or conductors, but a pickup and regenerator of them with a structure, composition, dimensions, type of material, volumes, etc., of a very special kind, and a structure totally different from the said antennas, being what is here the object of patent.

3) Regarding the interaction between the device (in this case object of the patent) and the equipment on which it is located, it has to be said that, precisely the contrary of all the inventions cited by the Examiner thus far, at the present time there is in existence, and no longer simply only purely in the field of invention (already patented), but as well on sale in the international market, a multiplicity of implements or devices of the most diverse materials, shapes, structures and composition and, as we say, patented and in use and, more specifically, being what is of interest here, in the sound and image sector which, through the mere fact of being placed on and/or underneath the apparatus or equipment on which they act, produce evident improvements, of both sound and image.

Respectfully submitted,



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PATENT

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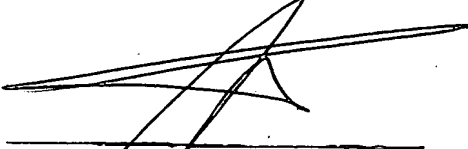
Attorney Docket No.: U 013521-1

DECLARATION

In order to demonstrate the utility of the present invention and overcome the rejection on enablement due to failure to establish a credible basis for utility and how to use, I personally conducted a series of tests in which an arbitrarily selected panel of lay persons has listened to various selections of music produced by sound reproduction equipment with and without the structure disclosed in the present application. The tabulated results establish that these are significant and non-obvious auditory improvements using the apparatus of the invention.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Executed on OCTOBER, 23, 2003



Gabriel MARTINEZ MARTIN



## ACOUSTICAL TEST OF THE PYRAMIDAL CONE BY A PANEL OF LISTENERS

1.- The pyramidal cone and its support, subject of the application for patent and being those with which the test described has been conducted, consists of the following:

a) The first of the objects mentioned is a body which adopts the shape of a cone, made of aluminium, with a weight of approximately 80 grams, a base diameter of 5.5 centimetres, a height of 3.45 centimetres and an apothem of 4.4 centimetres, having at the center of its base a perforation, adopting internally a spiral or helicoidal shape with a decreasing diameter in an ascending vertical direction.

b) What we call the support of the cone thus described is made of wood and is configured as a circular plane piece, cylinder shaped, with a diameter of 5.5 centimetres and a height of 1.15 centimetres.

2.- The test referred to above was conducted in the following manner (hereinafter paragraph D.-, "Carrying out of the test"):

a) The panel of listeners proceeded to listen to the compact discs (CD's) without further ado.

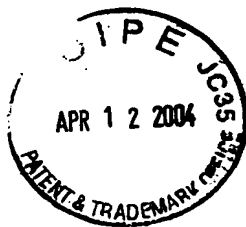
b) Thereafter, once such audition concluded, the following occurred:

The support and the cone mentioned in paragraph 1.- above were placed on each and every one of the compact discs (CD's) as follows:

On the side on which the signal is recorded (unprinted side) and at its centre the wooden support was placed and thereon the cone was placed.

Both the support and the cone were kept in this position between 20 and 25 minutes.

a) The compact discs (CD's) so handled were listened to once more, with the results for each of them and with respect to each listener as set forth in the earlier Tables for evaluating acoustic improvement.



**A.- Number and identity of the listeners:**

- 1.- Alfonsa Resina Martínez.
- 2.- Juan Bestard Solivellas.
- 3.- Rafael Hernández Sans.
- 4.- Paula Muñoz Benito
- 5.- Guillermo Marcús Aguiló.

**B.- Equipment and components used in the test:**

**a) Reproducers:**

- Compact disc reader (CD's): KRELL DSP.
- Pre-amplifier: AUDIBLE ILLUSIONS MODULUS III.
- Power amplifier: PASS LABS ALEPH 0,s
- Baffles: B. & W. 801.
- Cables: Interconnectors: MONSTER CABLE & CARDAS.  
Regarding the baffles: STRAIGHT WIRE "PRO-12".

**b) Support or sound source: CD's**

1.- Symphony No. 6 in F major, Op. 68, "Pastoral" (Ludwig van Beethoven). Columbia Symphony Orchestra, Conductor: Bruno Walter. Sony Classical SMK 64 462.

2.- Concertos for Cello with orchestra in C major, Hob. VII b, No. 1 & in D major Hob. VII b No. 2 (Joseph Haydn). Lithuanian Chamber Orchestra. Conductor: Saulius Sondeckis. Mobile Fidelity Sound Lab MFCD 865.

3.- Ella & Louis. Ella Fitzgerald and Louis Armstrong with Oscar Peterson, Herb Ellis, Ray Brown and Buddy Rich. Vervé 825 373-2.

4.- Dick Hyman: Swing is here. Dick Hyman, Peter Appleyard, Jay Leonhart, Bucky Pizzarelli and more. Reference Recordings RR-72 CD.

5.- Blue ladies. Patricia Barber, Cassandra Wilson, Holly Cole and more. EMI 724 3 538039 02.

6.- Paul Mauriat: Serenade. Paul Mauriat y su orquesta. Philips 838 594-2.

**C.- Test date and place :**

3 September 2003.  
Palma de Mallorca. Balearic Islands, SPAIN.

#### **D.- Carrying out of the test:**

Conducted in a furnished living room, with carpets, curtains, pictures, etc., of a dwelling with a surface of approximately 45 square meters. In one session.

The 5 listeners on the panel were seated inside the area of audition of the baffles, forming a semicircle.

Audition then proceeded of a fragment of a band of one CD of those selected, successively and continuously on 5 occasions. Then the CD was dealt with, superimposing on it, on the side where the acoustic signal is to be found recorded (side opposite the label), the wooden support and on this the pyramidal cone. This step has taken between 20 and 25 minutes.

Thereafter the same fragment of CD has been listed to once more.

The same test was made with each of the other 5 CD's of the panel.

#### **E.- Results of the test:**

##### **a) Common to all listeners on the panel:**

- A general enhancement of the musical sound was perceived, both at the level of each instrument and of each interpreter or of the voice, whether spatially or of the group of interpreters.
- The sound is richer.
- The acoustic impression is that the sonorous space is more filled with musical instruments than before applying the cone.
- As the test progressed, instead of "auditive fatigue" (logically usual during the course of an audition in almost all HiFi systems) listening pleasure went on increasing.
- These impressions increased when the intensity of the audition volume was slightly increased in the pre-amplifier.

##### **b) Particular results for each of the listeners on the panel:**

- For some, the music perceived after applying the cone possessed a softness and sweetness it did not have before; as though it were strident and harsh before then.
- For some the musical instruments and the voices had greater definition.



- Some even perceived a greater amount of musical information than before handling with the cone.
- On occasion some listener perceived more dynamism, more clarity and also more naturalness (appearance of realism, presence, ambiance).
- Some listener has, in fragments with voice, noticed a sensation of greater naturalness and more detail.
- Amplification of the sonorous space has been discerned almost unanimously, greater stereophonic image (in the monophonic sound, stereophonic sensation) with increase of the sonorous planes, particularly the horizontal one.
- Respecting the old recordings with voice, some listener had the feeling the sound had gained in definition, not appearing to be an old recording.
- In fragments with voice, for some listener, before the test, it seemed as though same were perceived coming from between the two baffles, in the same horizontal plane, whereas after applying the cone it was perceived in a more vertical plane, in the middle, as though superimposing itself on the two baffles.

From the results of the test conducted, and from numerous other tests prior to the patent, it is gathered that the cone subject of the same, applied on the objects detailed in the Specification hereof, ostensibly improves the reproduced audition or vision, as shown in the Specification.

This is obtained by means of regeneration of the energy with the application of said cone, energy which such objects lose with use.

# EVALUATION TABLES (PERCENTAGE) OF ACOUSTIC IMPROVEMENT BY APPLICATION OF THE CONE SUBJECT OF PATENT APPLICATION

Notes: a) The test was conducted on 3 September 2003 in Palma de Mallorca, Balearic Islands (Spain).

b) The percentage of improvement recorded has been obtained with respect to audition of the sound source, once applying the cone and with reference to the first auditions of same prior to said application.

c) The parameters evaluated are merely enumerative, although it can be considered that it is in said sectors where, to a greater extent and more ostensibly, an improvement in audition is obtained with application of the cone on the sound source.



Sound source: Symphony No. 6 in F major, Op. 68, "Pastoral" (Ludwig van Beethoven). Columbia Symphony Orchestra. Director: Bruno Walter. Sony Classical SMK 64 462.						
Listeners	Spaciousness % improvement	Dynamism % improvement	Depth % improvement	Sound picture % improvement	Separation of Instruments % improvement	
1. Alfonsa Resina Martínez	30	25	30	30	25	
2. Juan Bestard Solivellas	25	25	30	30	30	
3. Rafael Hernández Sans	30	30	35	35	35	
4. Paula Muñoz Benito	30	25	30	25	30	
5. Guillermo Marcús Águiló	35	30	30	30	30	

Sound source : Concertos for Cello & Orchestra Hob. VII b No. 1 and Hob. VII h No. 2 (Joseph Haydn), Lithuanian Chamber Orchestra. Conductor: Saulius Sondeckis. Mobile Fidelity Sound Lab. MFCD 865

Listeners	Spaciousness % improvement	Dynamism % improvement	Depth % improvement	Sound picture % improvement	Separation of Instruments % improvement
1. Alfonsa Resina Martínez	35	30	30	30	35
2. Juan Bestard Solivellas	30	30	35	30	35
3. Rafael Hernández Sans	40	40	45	40	45
4. Paula Muñoz Benito	30	30	30	30	35
5. Guillermo Marcús Aguiló	30	30	30	35	30

Sound source : Ella & Louis, Ella Fitzgerald and Louis Armstrong with Oscar Peterson, Herb Ellis, Ray Brown and Buddy Rich. Vervé 825 373-2

Listeners	Spaciousness % improvement	Dynamism % improvement	Depth % improvement	Sound picture % improvement	Separation of Instruments % improvement
1. Alfonsa Resina Martínez	25	25	25	30	30
2. Juan Bestard Solivellas	25	30	25	30	25
3. Rafael Hernández Sans	30	30	30	30	25
4. Paula Muñoz Benito	30	25	30	25	30
5. Guillermo Marcús Aguiló	25	25	25	30	30

Sound source : Dick Hyman : Swing is here. Dick Hyman. Peter Appleyard, Jay Lennhart, Bucky Pizzarelli and more. Reference Recordings RR-72 CD

Listeners	Spaciousness % improvement	Dynamism % improvement	Depth % improvement	Sound picture % improvement	Separation of Instruments % improvement
1. Alfonsa Resina Martinez	35	35	30	30	35
2. Juan Bestard Solivellas	30	30	25	30	30
3. Rafael Hernández Sans	40	45	40	40	40
4. Paula Muñoz Benito	30	35	30	30	35
5. Guillermo Marcús Aguiló	30	30	25	30	30

Sound source : Blue Ladies, Patricia Barber, Cassandra Wilson, Holly Cole and more. EMI 724 3 538039

Listeners	Spaciousness % improvement	Dynamism % improvement	Depth % improvement	Sound picture % improvement	Separation of Instruments % improvement
1. Alfonsa Resina Martínez	25	30	30	30	25
2. Juan Bestard Solivellas	25	25	30	30	25
3. Rafael Hernández Sans	30	30	35	35	30
4. Paula Muñoz Benito	30	25	30	25	25
5. Guillermo Marcús Aguiló	25	25	30	30	25

Sound source : Paul Mauriat : Serenade, Paul Mauriat and his orchestra. Philips 838 594-2						
Listeners	Spaciousness % improvement	Dynamism % improvement	Depth % improvement	Sound picture % improvement	Separation of Instruments % improvement	
1. Alfonsa Resina Martínez	35	30	30	30	25	
2. Juan Bestard Solivellas	30	30	25	25	30	
3. Rafael Hernández Sans	35	30	30	30	25	
4. Paula Muñoz Benito	30	25	25	30	30	
5. Guillermo Marcús Aguiló	25	25	30	30	30	